

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

CHRISTOPHER SIMMS,

Plaintiff,

v.

CHIEF KARR, *et al.*,

Defendants.

Case No. C10-5280BHS/JRC

REPORT AND
RECOMMENDATION

NOTED FOR:
July 2, 2009

This Civil Rights Action filed pursuant to 42 U.S.C. § 1983 has been referred to the undersigned Magistrate Judge pursuant to Title 28 U.S.C. §§ 636(b)(1)(A) and (B) and Local Magistrates' Rules MJR 1, MJR 3, and MJR 4.

On April 26, 2010, the clerk's office sent plaintiff a deficiency letter informing him he needed to provide copies of his complaint and filled-out service forms. The letter informed plaintiff he had until May 26, 2010, to provide the documents needed to serve the action and that failure to provide the documents by May 26, 2010, would be cause to dismiss the action (Dkt. # 2). No copies of the complaint were received. This matter should be dismissed for lack of prosecution and failure to comply with the court's order.

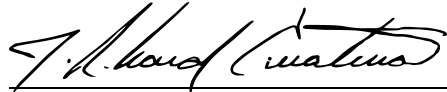
REPORT AND RECOMMENDATION- 1

CONCLUSION

Based on the foregoing, the Court should dismiss plaintiff's claims and causes of action based on plaintiff's failure to properly prosecute the matter.

Pursuant to 28 U.S.C. § 636(b)(1) and Fed.R.Civ.P. 72(b), the parties shall have fourteen (14) days from service of this Report to file written objections. See also Fed.R.Civ.P. 6. Failure to file objections will result in a waiver of those objections for purposes of appeal. Thomas v. Arn, 474 U.S. 140 (1985). Accommodating the time limit imposed by Fed.R.Civ.P. 72(b), the clerk is directed to set the matter for consideration on **July 2, 2010**, as noted in the caption.

Dated this 9th day of June, 2010.



J. Richard Creatura
United States Magistrate Judge